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# A BILL FOR AN ACT

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RELATING TO DENTISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. Chapter 448, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       "§448- Powers and duties of the director. (a) In  
5 addition to any other powers and duties authorized by law, the  
6 director of commerce and consumer affairs shall have the power  
7 and duty to issue an order to cease and desist from the  
8 unlicensed practice of dentistry or any other act or practice in  
9 violation of this chapter upon a specific determination that the  
10 failure to take such an action may result in an immediate and  
11 unreasonable threat to personal safety or of fraud that  
12 jeopardizes or endangers the health or safety of the public or  
13 of a patient.

14       (b) Any cease and desist order issued shall include a  
15 brief statement of findings of fact and conclusions of law and  
16 shall be served upon the subject as required by chapter 91. The  
17 cease and desist order shall be effective upon service.



1        (c) Upon the service of a cease and desist order, the  
2 continued practice of dentistry without a license or the  
3 continuation of any other act or practice in violation of this  
4 chapter shall be a class C felony.

5        (d) Upon the service of a cease and desist order, the  
6 recipient of the cease and desist order shall have the right to  
7 request a hearing to show cause why the cease and desist order  
8 should be terminated. Any request for a hearing shall be made  
9 in writing and filed with the board within five business days of  
10 service of the order. The board shall hold a hearing within  
11 seven business days of receipt of a written request for a  
12 hearing to show cause.

13       (e) Notwithstanding any law to the contrary, a cease and  
14 desist order shall remain in effect until the effective date of  
15 a final decision and order issued by the board in a disciplinary  
16 action or the effective date of an order issued by the board  
17 terminating the cease and desist order following a hearing to  
18 show cause, whichever occurs first, but in either case shall not  
19 exceed thirty business days."



1       SECTION 2. This Act does not affect rights and duties that  
2       matured, penalties that were incurred, and proceedings that were  
3       begun, before its effective date.

4       SECTION 3. New statutory material is underscored.

5       SECTION 4. This Act shall take effect on March 15, 2038.



**Report Title:**

Dentistry; Order to Cease and Desist

**Description:**

Grants the Director of Commerce and Consumer Affairs the power to issue cease and desist orders for the unlicensed practice of dentistry and for any other act or practice in violation of the dental licensing laws upon a specific determination that the failure to take such action may result in an immediate and unreasonable threat to personal safety or of fraud that jeopardizes or endangers the health or safety of patients or the public. (HB268 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

